



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Community Outreach, Safety and Healthcare
Administration Committee**

Wednesday, December 14, 2005
2:00 PM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Community Outreach, Safety & Healthcare Committee
Meeting Agenda**

Wednesday, December 14, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2E	3D, 3D Substitute
4A Substitute	

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
Elizabeth Owens, Legislative Analyst
Jason T. Smith, Legislative Analyst

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING SECTION 8-16 OF THE CODE RELATING TO SPECIAL HURRICANE INSPECTIONS.

Commissioner Sally A. Heyman

I. SUMMARY

This ordinance amends Section 8-16 of the County Code, lowering the threshold to trigger special hurricane inspections from a hurricane warning to the issuance of a severe weather advisory, which is defined as a tropical storm warning, a hurricane watch, or a hurricane warning.

II. PRESENT SITUATION

Currently, according to Section 8-16 of the County Code, building inspectors and building officials certified in Miami-Dade County must do special hurricane inspections when the National Weather Service issues a hurricane watch for Miami-Dade County. These inspections of buildings are to ensure that materials that could become projectiles in hurricane-force winds (74 mph and above) are properly secured. Building officials and inspectors in the County's 32 municipalities and unincorporated area also conduct follow-up inspections after hurricanes to assess damage.

Most municipalities have in place already a standard process for building inspections in the event that a hurricane watch is issued. There are currently 435 building officials and certified inspectors in Miami-Dade County. Each municipality, including Miami-Dade County, has its own set of building officials and inspectors.

Watches and Warnings Affecting Miami-Dade County				
	Tropical Storm Watch	Tropical Storm Warning	Hurricane Watch	Hurricane Warning
Year 2004				
Charley	X			
Frances			X	X
Jeanne			X	X
Total	1		2	2
Year 2005				
Dennis			X	X
Katrina			X	X
Rita		X	X	X
Wima			X	X
Total		1	4	4

Information provided by staff of National Weather Service

III. POLICY CHANGE AND IMPLICATION

This amendment to the Code would make the issuance of a severe weather advisory the trigger for special hurricane inspections. This amendment defines a severe weather advisory as a tropical storm warning, a hurricane watch, or a hurricane warning. This amendment also expands the scope of these special inspections to include the inspection of projects under construction.

According to the office of Building Code Compliance, this amendment to the Code would not place an additional strain on staffing and budget, as it only changes the time frame of beginning special hurricane inspections.

IV. ECONOMIC IMPACT

This item may have a financial impact on the construction industry and the office of Building Code Compliance depending on how active the storm season is. With each storm new notices would have be posted.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*PROPOSED AMENDMENT TO SECTION 331 OF THE MIAMI-DADE COUNTY
CODE, PERTAINING TO POLICE SERVICES IMPACT FEE*

Miami-Dade Police Department

I. SUMMARY

This item would amend the formula used in calculating the Police Services Impact Fee, and set standards by which the fee will be reviewed in the future.

- 3(B) Sub – Differs from 3(B) only in that it sets the effective date of this ordinance at Feb. 6, 2006.

II. PRESENT SITUATION

Impact fees in Miami-Dade County were first proposed in 1988 to mitigate the costs to the county of providing additional services in newly developed communities in Unincorporated Miami-Dade County. In 1990, Miami-Dade Board of County Commissioners County Commissioners adopted Ordinance 90-31 creating Section 331-1 of the Code, establishing Police Services Impact Fees. See **Chart 1**.

Chart 1

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
Residential	60%	\$57,138,817	337,870	\$78.71	\$90.40 per unit
Nonresidential	40%	\$38,092,544	194,960,942	\$0.057	\$.143 per square foot

This is the original fee schedule adopted by the Board of County Commissioners in 1990.

The fees were tied to a formula that accounts for the MDPD Capital Assets and the percentage use of police services in UMSA, and a five percent administrative charge. The formula also gives developers credit for interest payments on the Criminal Justice Bond Program. The original formula was based on statistical information gathered by the MDPD and the Property Appraisal Department between 1988 and 1989. The formula was adjusted again in 1994 based on statistical information from the County Property Appraisal Department on March 18, 1994.

III. POLICY CHANGE AND IMPLICATION

Following an analysis in 2004 by various county departments, and Dr. James Nicholas¹, who was contracted by the County, it was determined that the base numbers used in determining the police services impact fee needed to be adjusted yet again. See **Chart 2** for a comparison of the current and proposed base numbers used to compute the police services impact fee.

Chart 2

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
<i>Current Residential</i>	60%	\$67,538,749	385,539	\$78.71	\$96.47 per unit
<i>Proposed Residential</i>	70%	\$127,096,505	309,463	0	\$410.70 per unit
<i>Percent Change</i>	16.7%	88.2%	-19.7%	-100.0%	325.7%

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
<i>Current Nonresidential</i>	40%	\$45,025,832	228,464,586	\$0.057	\$0.140 per square foot
<i>Proposed Nonresidential</i>	30%	\$54,469,931	190,882,231	0	\$0.285 per square foot
<i>Percent Change</i>	-25.0%	21.0%	-16.4%	-100.0%	103.6%

The proposed ordinance would tie the new formula to the inflation scale as defined by the Consumer Price Index, and the County Manager would be tasked with revising this impact fee on an annual basis.

¹ James Nicholas, Ph.D., is the Associate Director of the Environmental and Land Use Law Program at the University of Florida. He is an international expert in growth management legislation, and urban and regional planning. He has surveyed 238 impact fee programs around the country.

IV. ECONOMIC IMPACT

The ordinance would have a positive economic impact to the County. The higher fees will generate more revenue to mitigate the costs of providing police services to new developments.

Previously, this fee, which is assessed just once to new developments, brought in varying amounts to cover the costs of providing police services to new developments. Previous revenue generated by this impact fee is detailed in **Attachment 1**.

V. COMMENTS AND QUESTIONS

Other Counties

Many jurisdictions have developed impact fees for the purpose of providing new or expanded public capital facilities and projects required to serve new developments. Broward County does not levy police services impact fees.

The impact fee in Palm Beach County has seven components which include roads, schools, parks, fire rescue, law enforcement, public buildings, and libraries. According to the Palm Beach County Code, the impact fee schedule is reviewed and revised biennially by an Impact Fee Review Committee. In Sept. 2005, Palm Beach County officials adopted an 18 percent increase in the overall impact fee schedule. The provision in the fee schedule for law enforcement increased by an average of 14 percent for residential units. The fee for law enforcement assessed to non-residential general office buildings increased by 30.1 percent. For a standard single-family home in Palm Beach County, the new impact fee is \$10,023, up from \$8,521.

Questions

The following questions were answered by officials of the Miami-Dade Police Department.

Q: Why is the department looking to revise the Police Service Impact Fee at this time?

A: About one year ago the BCC stated that departments should look at their respective fees. This stemmed from a discussion related to taxes/ad valorem rates. There was also an Impact Fee Task Force report in July 1999 that recommended adjustment of rates as well as the Ordinance calling for The Police Services Impact Fee (PSIF) which only applies to UMSA and has not been updated since 1994 (11 years).

According to MDPD, the information regarding the PSIF is outdated as far as the collection zones (largely due to incorporations), credits, and the formula base data. The PSIF formula currently includes a credit of approximately \$78 for the Criminal Justice Bond Program. This credit should have been removed from the formula nearly 10 years ago. Also, in reference to the Bond - the formula base for the credit was inaccurate in the

COSHAC ITEM 3(D), 3(D) Sub
December 14, 2005

PSIF – the police only incurred \$38.5 million of the \$200 million, however, the credit was given at the \$200 million rate in the formula.

Q: How did the department derive the proposed increase in the Police Impact Fee?

A: The PSIF is formula based (same one since inception and outlined in the Ordinance) and has been reviewed and done in consultation with Dr. James Nicholas. The increase is due to the base data used in the formula as well as adjusting of the overall percentages used for residential (from 60% to 70%) vs. nonresidential (from 40% to 30%). Some of the base data are provided by the Department of Planning and Zoning.

Attachment 1

Police Service Impact Fee Collections

FY	Index Codes	AMOUNT	# UNIT	DESCRIPTION	# COLLECTION
89/90	3001	\$166,697.60	1,844	RESIDENTIAL	1437
	3002	\$127,099.44	888,808	NON-RESIDENTIAL	91
	Total	\$293,797.04			
90/91	3001	\$415,478.37	4,596	RESIDENTIAL	3045
	3002	\$171.60	1,200	PER GSF	1
	3002	\$260,045.54	1,818,502	NON-RESIDENTIAL	235
	Total	\$675,695.51			
91/92	3001	\$416,020.74	4,602	RESIDENTIAL	3625
	3002	\$617,980.34	4,321,545	NON-RESIDENTIAL	240
	Total	\$1,034,001.08			
92/93	3001	\$149,612.00	1,655	PER UNIT	1518
	3001	\$382,663.11	4,233	RESIDENTIAL	2843
	3002	\$210,218.72	1,470,061	PER GSF	79
	3002	\$364,814.68	2,551,154	NON-RESIDENTIAL	138
	Total	\$1,107,308.51			
93/94	3001	\$682,700.80	7,552	PER UNIT	5027
	3002	\$1,101,235.69	7,700,949	PER GSF	422
	Total	\$1,783,936.49			
94/95	3001	\$891,563.39	9,261	PER UNIT	6447
	3002	\$516,270.59	3,685,509	PER GSF	297
	Total	\$1,407,833.98			
95/96	3001	\$280,438.29	2,907	PER UNIT	2941
	3002	\$809,921.56	5,785,154	PER GSF	370
	Total	\$1,090,359.85			
96/97	3001	\$529,523.83	5,489	PER UNIT	5351
	3002	\$799,930.74	5,713,791	PER GSF	330
	Total	\$1,329,454.57			
97/98	3001	\$609,786.87	6,321	PER UNIT	5491
	3002	\$900,290.02	6,430,643	PER GSF	331
	Total	\$1,510,076.89			

98/99	3001	\$674,035.89	6,987	PER UNIT	5055
	3002	\$661,404.66	4,724,319	PER GSF	322
Total		\$1,335,440.55			

99/00	3001	\$549,493.12	5,696	PER UNIT	4702
	3002	\$979,457.50	6,996,125	PER GSF	321
Total		\$1,528,950.62			

FY	Index Codes	AMOUNT	# UNIT	DESCRIPTION	# COLLECTION
00/01	3001	\$700,372.20	7,260	PER UNIT	5260
	3002	\$606,589.20	4,332,780	PER GSF	304
Total		\$1,306,961.40			

01/02	3001	\$624,305.61	6,663	PER UNIT	4841
	3002	\$642,346.74	4,588,191	PER GSF	326
Total		\$1,266,652.35			

02/03	3001	\$695,839.08	7,525	PER UNIT	5464
	3002	\$487,807.15	3,483,686	PER GSF	295
Total		\$1,183,646.23			

03/04	3001	\$860,450.03	8,956	PER UNIT	6252
	3002	\$576,422.73	4,117,305	PER GSF	411
Total		\$1,436,872.76			

SOURCE: Department of Planning and Zoning

NOTE: # of Units may be higher than # of Collections because apartments are under one collection number

LEGISLATIVE ANALYSIS

RESOLUTION APPROVING THE ALLOCATION OF BUILDING BETTER COMMUNITIES BOND PROGRAM FUNDS IN THE AMOUNT OF \$8 MILLION FOR THE PURCHASE AND RENOVATION OF THE PROPERTY LOCATED AT 710-720 ALTON ROAD; AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE AGREEMENT TO PROVIDE FUNDING FOR THE PURCHASE OF 710-720 ALTON ROAD, MIAMI BEACH; AUTHORIZING ACCEPTANCE OF A SPECIAL WARRANTY DEED FOR THE LAND AND THE BUILDING LOCATED AT 710-720 ALTON ROAD, MIAMI BEACH, FLORIDA ATTACHED HERETO; AUTHORIZING THE COUNTY MANAGER, TO EXECUTE THE LEASE AGREEMENT ATTACHED HERETO, AT 710-720 ALTON ROAD, MIAMI BEACH, WITH MIAMI BEACH COMMUNITY HEALTH CARE, INC.; AND AUTHORIZES THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 052817]

County Manager

I. SUMMARY

This Resolution allows the allocation of funds, not exceeding \$8 million dollars, to Miami Beach Community Health Center, Inc. (MBCHC), the current lessee of property located at 710-720 Alton Road, in order to purchase and renovate the property. Upon ownership of the property, MBCHC will convey by Special Warranty Deed the property to Miami Dade County who will in turn lease the property to MBCHC.

The funding would be provided from proceeds of the Building Better Communities Bond Program.

Note that this item is a supplement and differs from item 4A in the following manner:

1. How the \$8 million is distributed; and
 - a. **Item 4A** is requesting \$6 million to purchase the property and \$2 million towards the closing costs and rehabilitation of the property.
 - b. **Item 4A Supplement** is requesting \$6.995 million to purchase the property and \$1,004,000 towards the closing costs and rehabilitation of the property.
2. What the purchasing cost of the property includes.
 - a. Item 4A only the 25,000 square foot property 'as is'.
 - b. Item 4A Supplement the higher cost includes the 25,000 square foot property 'as is' and the future development rights of the property.

II. PRESENT SITUATION

South Beach Heights I, LLC owns and leases the property to MBCHC to operate a health center that provides comprehensive primary health care services to low income residents

COSHAC ITEM 4(A) Substitute
December 14, 2005

of Miami Beach. The 25,000 sq. ft. building houses the 15,000 sq. ft. utilized for the health center and 10,000 sq. ft. of undeveloped warehouse space.

Zoned CD-2 by the city of Miami Beach, the property has a maximum allowance of 38,250 sq. ft. of gross building area.

In 2004, the Building Better Communities Bond Program was approved by voters. Although the purchasing and renovation of this property was not listed as a project funded under the bond program; however, staff makes the ag it was included without a specified dollar amount under the Healthcare Fund at a Building Better Communities Meeting on July 20, 2004.

An additional \$13.635 million in proceeds have been gained from the sale of the Bonds.

III. POLICY CHANGE AND IMPLICATION

This resolution allows for \$8 million from the additional bond proceeds to be allocated for the purchase of 25,000 sq. ft. of property in Miami Beach, along with the future development rights of that property.

If purchased, MBCHC would lease the property from the County and would be responsible for all operating expenses including the cost of parking.

IV. ECONOMIC IMPACT

\$8 million from the additional \$13.635 million in proceeds of the Building Better Communities Bond Program would be allocated towards the purchasing and rehabilitation of the MBCHC property.

V. COMMENTS AND QUESTIONS

According to staff, the purchasing contract has a closing date of January 30, 2006; however, this item has to return to the full Board for approval. In order to meet this deadline, one of the following would have to occur:

1. An extension on the closing date; or
2. A waiver allowing the item on the December 20th BCC agenda.